

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 SUSANA GONZALES
Deputy Attorney General
4 State Bar No. 253027
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2221
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-925*

13 **VIVIAN LLOYD ASHBOURNE**
PO Box 7612
Hollywood, FL 33081

A C C U S A T I O N

14 **902 Coventry Lane**
15 **Somerset, NJ 08873-4684**

16 **Registered Nurse License No. 595948**

17 Respondent.
18

19 Complainant alleges:
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21 **PARTIES**

22 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
23 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
24 Consumer Affairs.

25 2. On or about March 11, 2002, the Board of Registered Nursing issued Registered
26 Nurse License Number 595948 to Vivian Lloyd Ashbourne (Respondent). The Registered Nurse
27 License expired on October 31, 2003, and has not been renewed.
28

1 **OTHER LICENSE HISTORY**

2 3. On or about May 7, 2002, the New Jersey State Board of Nursing issued Registered
3 Professional Nurse License No. 26NR10477000 to Respondent. New Jersey Registered
4 Professional Nurse License No. 26NR1047700 is due to expire on May 31, 2014.

5 **JURISDICTION**

6 4. This Accusation is brought before the Board of Registered Nursing (Board),
7 Department of Consumer Affairs, under the authority of the following laws. All section
8 references are to the Business and Professions Code unless otherwise indicated.

9 5. Code section 118, subdivision (b), provides, in part, that the expiration of a license
10 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
11 within which the license may be renewed, restored, reissued or reinstated.

12 6. Code section 2750 provides, in part, that the Board may discipline any licensee,
13 including a licensee holding a temporary or an inactive license, for any reason provided in Article
14 3 (commencing with section 2750) of the Nursing Practice Act.

15 7. Code section 2764 provides, in part, that the expiration of a license shall not deprive
16 the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to
17 render a decision imposing discipline on the license. Under Code section 2811, subdivision (b),
18 the Board may renew an expired license at any time within eight years after the expiration. After
19 the expiration of such eight-year period the board may require as a condition of reinstatement that
20 the applicant pass such examination as it deems necessary to determine his present fitness to
21 resume the practice of professional nursing.

22 8. California Code of Regulations, title 16, section 1419.3, provides that a licensee may
23 renew a license that has been expired for more than eight years by paying the renewal and penalty
24 fees specified in Section 1417 and providing evidence that he or she holds a current valid active
25 and clear registered nurse license in another state, a United States territory, or Canada, or by
26 passing the Board's current examination for licensure.

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“The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

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COST RECOVERY

CAUSE FOR DISCIPLINARY ACTION

11. Respondent has subjected her Registered Nurse License to disciplinary action under section 2761, subdivision (a)(4), in that on or about December 18, 2009, in a disciplinary action entitled "In the Matter of the License of Vivian L Ashbourne, RN License No. 10477000," before the New Jersey State Board of Nursing ("New Jersey Board"), the New Jersey Board issued a Consent Order reprimanding Respondent for engaging in repeated acts of incompetence relating to the administration of medication. The New Jersey Board ordered, among other things, that Respondent obey all laws and attend and successfully complete a

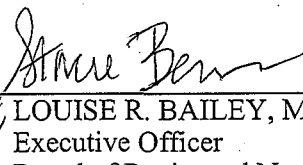
1 medication administration course within six months of the Consent Order. The factual basis of
2 the Consent Order was that Respondent engaged in repeated acts of incompetence involving the
3 administration of medication.

4 **PRAYER**

5 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
6 Accusation, and that following the hearing, the Board of Registered Nursing issue a decision:

- 7 1. Revoking or suspending Registered Nurse License Number 595948, issued to Vivian
8 Lloyd Ashbourne (Respondent);
- 9 2. Ordering Respondent to pay the Board of Registered Nursing the reasonable costs of
10 the investigation and enforcement of this case, pursuant to Business and Professions Code section
11 125.3; and
- 12 3. Taking such other and further action as deemed necessary and proper.

13 DATED: April 18, 2013

14 
15 LOUISE R. BAILEY, M.ED., RN
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant

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